

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 02 2014 ★

IN RE HURRICANE SANDY CASES

LONG ISLAND: OFFICE

: 13-CV-5901 (JFB)(ARL)

: 14-CV-798 (JFB)(ARL)

: 14-CV-1486 (JFB)(AKT)

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JOSEPH F. BIANCO, District Judge:

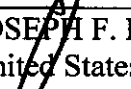
Before the Court is a Report & Recommendation from the Committee, dated June 5, 2014 and modified on June 16, 2014 (the "R&R"), recommending that the Court dismiss certain state law claims and claims for damages that are not available under New York law. The R&R instructed plaintiffs to submit any objection within fourteen days—June 30, 2014, from the modified R&R. Plaintiffs did not file any objection. For the following reasons, the Court adopts the R&R and dismisses the claims at issue.

A district judge may accept, reject, or modify, in whole or in part, the findings and recommendations of the Magistrate Judge. *See DeLuca v. Lord*, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994); *Walker v. Hood*, 679 F. Supp. 372, 374 (S.D.N.Y. 1988). As to those portions of a report to which no "specific, written objection" is made, the Court may accept the findings contained therein, as long as the factual and legal bases supporting the findings are not clearly erroneous. *See Fed. R. Civ. P. 72(b)*; *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Greene v. WCI Holdings Corp.*, 956 F. Supp. 509, 513 (S.D.N.Y. 1997).

Having conducted a review of the full record and the applicable law, and having reviewed the R&R for clear error, the Court adopts the findings and recommendations contained in the R&R in their entirety. Even under *de novo* review, the Court would reach the same conclusion. Accordingly, the Court dismisses the plaintiffs' state law claims and claims for damages that are

unavailable under New York law.

SO ORDERED

  
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JOSEPH F. BIANCO  
United States District Judge

Dated: July 2, 2014  
Central Islip, New York